

**Senate File 2258 - Introduced**

SENATE FILE 2258  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO SSB 3114)

**A BILL FOR**

1 An Act concerning child welfare, including provisions relating  
2 to children under the custody, control, and supervision of  
3 the department of human services and provisions relating to  
4 children who are sex trafficking victims.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 232.2, subsection 4, unnumbered  
2 paragraph 1, Code 2016, is amended to read as follows:  
3 "*Case permanency plan*" means the plan, mandated by Pub. L.  
4 No. 96-272 and Pub. L. No. 105-89, as codified in 42 U.S.C.  
5 §622(b)(10), 671(a)(16), and 675(1),(5), which is designed to  
6 achieve placement in the most appropriate, least restrictive,  
7 and most family-like setting available and in close proximity  
8 to the parent's home, consistent with the best interests and  
9 special needs of the child, and which considers the placement's  
10 proximity to the school in which the child is enrolled at  
11 the time of placement. The plan shall be developed by the  
12 department or agency involved and the child's parent, guardian,  
13 or custodian. If the child is fourteen years of age or older,  
14 the plan shall be developed in consultation with the child and,  
15 at the option of the child, with up to two persons chosen by  
16 the child to be members of the child's case planning team if  
17 such persons are not a foster parent of, or caseworker for, the  
18 child. The department may reject a person selected by a child  
19 to be a member of the child's case planning team at any time  
20 if the department has good cause to believe that the person  
21 would not act in the best interests of the child. One person  
22 selected by a child to be a member of the child's case planning  
23 team may be designated to be the child's advisor or, if  
24 necessary, the child's advocate with respect to the application  
25 of the reasonable and prudent parent standard. The plan shall  
26 specifically include all of the following:

27 Sec. 2. Section 232.2, subsection 4, paragraph f, Code 2016,  
28 is amended to read as follows:

29 *f.* (1) When a child is ~~sixteen~~ fourteen years of age  
30 or older, a written transition plan of services, supports,  
31 activities, and referrals to programs which, based upon an  
32 assessment of the child's needs, would assist the child in  
33 preparing for the transition from foster care to adulthood.  
34 The transition plan and needs assessment shall be developed  
35 with a focus on the services, other support, and actions

1 necessary to facilitate the child's successful entry into  
2 adulthood. The transition plan shall be personalized at the  
3 direction of the child and shall be developed with the child  
4 present, honoring the goals and concerns of the child, and  
5 shall address the following areas of need ~~when the child~~  
6 ~~becomes an adult~~ for the child's successful transition from  
7 foster care to adulthood, including but not limited to all of  
8 the following:

- 9 (a) Education.
- 10 (b) Employment services and other workforce support.
- 11 (c) Health and health care coverage.
- 12 (d) Housing and money management.
- 13 (e) Relationships, including local opportunities to have a  
14 mentor.
- 15 (f) If the needs assessment indicates the child is  
16 reasonably likely to need or be eligible for services or  
17 other support from the adult service system upon reaching age  
18 eighteen, the transition plan shall provide for the child's  
19 application for adult services.

20 (2) The transition plan shall be considered a working  
21 document and shall be reviewed and updated ~~for each permanency~~  
22 ~~hearing by the court or other formal case permanency plan~~  
23 review during a periodic case review, which shall occur at a  
24 minimum of once every six months. The transition plan shall  
25 also be reviewed and updated during the ninety calendar-day  
26 period preceding the child's eighteenth birthday and during the  
27 ninety calendar-day period immediately preceding the date the  
28 child is expected to exit foster care, if the child remains  
29 in foster care after the child's eighteenth birthday. The  
30 transition plan may be reviewed and updated more frequently.

31 (3) The transition plan shall be developed and reviewed  
32 by the department in collaboration with a child-centered  
33 transition team. The transition team shall be comprised of  
34 the child's caseworker and persons selected by the child,  
35 persons who have knowledge of services available to the child,

1 and any person who may reasonably be expected to be a service  
2 provider for the child when the child becomes an adult or to  
3 become responsible for the costs of services at that time.  
4 If the child is reasonably likely to need or be eligible for  
5 adult services, the transition team membership shall include  
6 representatives from the adult services system. ~~The adult  
7 services system representatives may include but are not limited  
8 to the administrator of county general relief under chapter  
9 251 or 252 or the regional administrator of the county mental  
10 health and disability services region, as defined in section  
11 331.388.~~ The membership of the transition team and the meeting  
12 dates for the team shall be documented in the transition plan.

13 (4) The final transition plan shall specifically identify  
14 how the need for housing will be addressed.

15 (5) If the child is interested in pursuing higher education,  
16 the transition plan shall provide for the child's participation  
17 in the college student aid commission's program of assistance  
18 in applying for federal and state aid under [section 261.2](#).

19 (6) If the needs assessment indicates the child is  
20 reasonably likely to need or be eligible for services or  
21 other support from the adult service system upon reaching age  
22 eighteen, the transition plan shall be reviewed and approved  
23 by the transition committee for the area in which the child  
24 resides, in accordance with [section 235.7](#), before the child  
25 reaches age seventeen and one-half. The transition committee's  
26 review and approval shall be indicated in the case permanency  
27 plan.

28 (7) Provision for the department or a designee of the  
29 department on or before the date the child reaches age  
30 eighteen, unless the child has been placed in foster care for  
31 less than six months, to provide to the child a certified copy  
32 of the child's birth certificate, ~~and to facilitate securing~~  
33 ~~a federal social security card, and driver's license or~~  
34 government-issued nonoperator's identification card. The fee  
35 for the certified copy of the child's birth certificate that is

1 otherwise chargeable under [section 144.13A](#), [144.46](#), or [331.605](#)  
2 shall be waived by the state or county registrar.

3 Sec. 3. Section 232.2, subsection 4, Code 2016, is amended  
4 by adding the following new paragraph:

5 NEW PARAGRAPH. *n.* Any issues relating to the application  
6 of the reasonable and prudent parent standard and the child's  
7 participation in age or developmentally appropriate activities  
8 while in foster care.

9 Sec. 4. Section 232.2, Code 2016, is amended by adding the  
10 following new subsection:

11 NEW SUBSECTION. 45A. "*Reasonable and prudent parent*  
12 *standard*" means the same as defined in section 237.1.

13 Sec. 5. Section 232.58, subsection 3, paragraph d,  
14 subparagraph (4), Code 2016, is amended to read as follows:

15 (4) If the child is sixteen years of age or older and  
16 the department has documented to the court's satisfaction a  
17 compelling reason for determining that an order under the  
18 other subparagraphs of this paragraph "d" would not be in the  
19 child's best interest, order another planned permanent living  
20 arrangement for the child.

21 Sec. 6. Section 232.58, Code 2016, is amended by adding the  
22 following new subsection:

23 NEW SUBSECTION. 3A. If the court enters an order for  
24 another planned permanent living arrangement pursuant to  
25 subsection 3, paragraph "d", the court shall do all of the  
26 following:

27 *a.* Ask the child about the child's desired permanency  
28 outcome and make a judicial determination that another planned  
29 permanent living arrangement is the best permanency plan for  
30 the child.

31 *b.* Require the department to do all of the following:

32 (1) Document the efforts to place a child permanently with a  
33 parent, relative, or in a guardianship or adoptive placement.

34 (2) Document that the planned permanent living arrangement  
35 is the best permanency plan for the child and compelling

1 reasons why it is not in the child's best interest to be placed  
2 permanently with a parent, relative, or in a guardianship or  
3 adoptive placement.

4 (3) Document all of the following at the permanency hearing  
5 and the six-month periodic review:

6 (a) The steps the department is taking to ensure that the  
7 planned permanent living arrangement follows the reasonable and  
8 prudent parent standard.

9 (b) Whether the child has regular opportunities to engage in  
10 age-appropriate or developmentally appropriate activities.

11 Sec. 7. Section 232.68, subsection 2, paragraph a, Code  
12 2016, is amended by adding the following new subparagraph:

13 NEW SUBPARAGRAPH. (11) The recruitment, harboring,  
14 transportation, provision, obtaining, patronizing, or  
15 soliciting of a child for the purpose of commercial sexual  
16 activity as defined in section 710A.1.

17 Sec. 8. Section 232.68, Code 2016, is amended by adding the  
18 following new subsections:

19 NEW SUBSECTION. 01. "*A severe form of trafficking in*  
20 *persons*" means sex trafficking in which commercial sexual  
21 activity, as defined in section 710A.1, is induced by force,  
22 fraud, or coercion, or in which the person induced to perform  
23 such act has not attained eighteen years of age.

24 NEW SUBSECTION. 10. "*Sex trafficking*" means the  
25 recruitment, harboring, transportation, provision, obtaining,  
26 patronizing, or soliciting of a person for the purpose of  
27 commercial sexual activity as defined in section 710A.1.

28 NEW SUBSECTION. 11. "*Sex trafficking victim*" means a victim  
29 of any of the following:

30 a. A severe form of trafficking in persons.

31 b. Sex trafficking.

32 Sec. 9. Section 232.70, subsections 8 and 9, Code 2016, are  
33 amended to read as follows:

34 ~~8. If a report would be determined to constitute an~~  
35 ~~allegation of child abuse as defined under section 232.68,~~

1 ~~subsection 2, paragraph "a", subparagraph (3) or (5), except~~  
2 ~~that the suspected abuse resulted from the acts or omissions~~  
3 ~~of a person other than a person responsible for the care of the~~  
4 ~~child, the department shall refer the report to the appropriate~~  
5 ~~law enforcement agency having jurisdiction to investigate the~~  
6 ~~allegation. The department shall refer the report orally~~  
7 ~~as soon as practicable and in writing within seventy-two~~  
8 ~~hours of receiving the report. Within twenty-four hours of~~  
9 ~~receiving a report from a mandatory or permissive reporter,~~  
10 ~~the department shall inform the reporter, orally or by other~~  
11 ~~appropriate means, whether or not the department has commenced~~  
12 ~~an assessment of the allegation in the report.~~

13 9. ~~Within twenty-four hours of receiving a report from a~~  
14 ~~mandatory or permissive reporter, the department shall inform~~  
15 ~~the reporter, orally or by other appropriate means, whether~~  
16 ~~or not the department has commenced an assessment of the~~  
17 ~~allegation in the report. If a report would be determined~~  
18 ~~to constitute an allegation of child abuse as defined under~~  
19 ~~section 232.68, subsection 2, paragraph "a", subparagraph (3)~~  
20 ~~or (5), except that the suspected abuse resulted from the acts~~  
21 ~~or omissions of a person other than a person responsible for~~  
22 ~~the care of the child, the department shall refer the report~~  
23 ~~to the appropriate law enforcement agency having jurisdiction~~  
24 ~~to investigate the allegation. The department shall refer the~~  
25 ~~report orally as soon as practicable and in writing within~~  
26 ~~seventy-two hours of receiving the report.~~

27 Sec. 10. Section 232.70, Code 2016, is amended by adding the  
28 following new subsection:

29 NEW SUBSECTION. 10. If the department has reasonable  
30 cause to believe that a child under the placement, care, or  
31 supervision of the department is, or is at risk of becoming,  
32 a sex trafficking victim, the department shall do all of the  
33 following:

34 a. Identify the child as a sex trafficking victim or at risk  
35 of becoming a sex trafficking victim and include documentation

1 in the child's department records.

2 *b.* Refer the child for appropriate services.

3 *c.* Refer the child identified as a sex trafficking victim,  
4 within twenty-four hours, to the appropriate law enforcement  
5 agency having jurisdiction to investigate the allegation.

6 Sec. 11. Section 232.71B, subsection 1, paragraph a,  
7 subparagraph (1), Code 2016, is amended to read as follows:

8 (1) Upon acceptance of a report of child abuse, the  
9 department shall commence a child abuse assessment when the  
10 report alleges child abuse as defined in section 232.68,  
11 subsection 2, paragraph "a", subparagraphs (1) through (3) and  
12 subparagraphs (5) through ~~(10)~~ (11), or which alleges child  
13 abuse as defined in [section 232.68, subsection 2](#), paragraph "a",  
14 subparagraph (4), that also alleges imminent danger, death, or  
15 injury to a child.

16 Sec. 12. Section 232.71B, subsection 3, Code 2016, is  
17 amended to read as follows:

18 3. *Involvement of law enforcement.*

19 *a.* The department shall apply protocols, developed with the  
20 local child protection assistance team established pursuant to  
21 section 915.35, to prioritize the actions taken in response  
22 to a child abuse assessment and shall work jointly with child  
23 protection assistance teams and law enforcement agencies in  
24 performing assessment and investigative processes for child  
25 abuse assessments in which a criminal act harming a child is  
26 alleged. The county attorney and appropriate law enforcement  
27 agencies shall also take any other lawful action which may be  
28 necessary or advisable for the protection of the child.

29 *b.* If a report is determined not to constitute a child  
30 abuse allegation or if the child abuse report is accepted  
31 but assessed under the family assessment, but a criminal act  
32 harming a child is alleged, the department shall immediately  
33 refer the matter to the appropriate law enforcement agency.

34 *c.* If the department has reasonable cause to believe that  
35 a child under the placement, care, or supervision of the

1 department is, or is at risk of becoming, a sex trafficking  
2 victim, the department shall do all of the following:

3 (1) Identify the child as a sex trafficking victim or  
4 at risk of becoming a sex trafficking victim and include  
5 documentation in the child's department records.

6 (2) Refer the child for appropriate services.

7 (3) Refer the child identified as a sex trafficking victim,  
8 within twenty-four hours, to the appropriate law enforcement  
9 agency having jurisdiction to investigate the allegation.

10 d. The department shall report a child under the placement,  
11 care, or supervision of the department who is reported as  
12 missing or abducted to law enforcement and to the national  
13 center for missing and exploited children within twenty-four  
14 hours of receipt of the report.

15 Sec. 13. Section 232.102, subsection 1, paragraph a,  
16 subparagraph (3), Code 2016, is amended to read as follows:

17 (3) The department of human services. If the child is  
18 placed in a juvenile shelter care home or with an individual  
19 or agency as defined in section 237.1, the department shall  
20 assign decision-making authority to the juvenile shelter care  
21 home, individual, or agency for the purpose of applying the  
22 reasonable and prudent parent standard during the child's  
23 placement.

24 Sec. 14. Section 232.102, Code 2016, is amended by adding  
25 the following new subsection:

26 NEW SUBSECTION. 5A. A child placed in foster care shall be  
27 entitled to participate in age or developmentally appropriate  
28 extracurricular, enrichment, cultural, and social activities.  
29 A court shall make a finding at all review hearings to address  
30 the child's participation in such activities and how barriers  
31 to participation are being addressed.

32 Sec. 15. Section 232.104, subsection 2, paragraph d,  
33 subparagraph (4), Code 2016, is amended to read as follows:

34 (4) If the child is sixteen years of age or older and  
35 the department has documented to the court's satisfaction a

1 compelling reason for determining that an order under the  
2 other subparagraphs of this paragraph "d" would not be in the  
3 child's best interest, order another planned permanent living  
4 arrangement for the child.

5 Sec. 16. Section 232.104, Code 2016, is amended by adding  
6 the following new subsection:

7 NEW SUBSECTION. 2A. If the court enters an order for  
8 another planned permanent living arrangement pursuant to  
9 subsection 2, paragraph "d", the court shall do all of the  
10 following:

11 a. Ask the child about the child's desired permanency  
12 outcome and make a judicial determination that another planned  
13 permanent living arrangement is the best permanency plan for  
14 the child.

15 b. Require the department to do all of the following:

16 (1) Document the efforts to place a child permanently with a  
17 parent, relative, or in a guardianship or adoptive placement.

18 (2) Document that the planned permanent living arrangement  
19 is the best permanency plan for the child and compelling  
20 reasons why it is not in the child's best interest to be placed  
21 permanently with a parent, relative, or in a guardianship or  
22 adoptive placement.

23 (3) Document all of the following at the permanency hearing  
24 and the six-month periodic review:

25 (a) The steps the department is taking to ensure that the  
26 planned permanent living arrangement follows the reasonable and  
27 prudent parent standard.

28 (b) Whether the child has regular opportunities to engage in  
29 age-appropriate or developmentally appropriate activities.

30 Sec. 17. Section 232.127, subsection 10, Code 2016, is  
31 amended to read as follows:

32 10. If the child is ~~sixteen~~ fourteen years of age or older  
33 and an order for an out-of-home placement is entered, the  
34 order shall specify the services needed to assist the child in  
35 preparing for the transition from foster care to adulthood. If

1 the child has a case permanency plan, the court shall consider  
2 the written transition plan of services and needs assessment  
3 developed for the child's case permanency plan. If the child  
4 does not have a case permanency plan containing the transition  
5 plan and needs assessment at the time the order is entered, the  
6 written transition plan and needs assessment shall be developed  
7 and submitted for the court's consideration no later than six  
8 months from the date of the transfer order. The court shall  
9 modify the initial transfer order as necessary to specify  
10 the services needed to assist the child in preparing for the  
11 transition from foster care to adulthood. If the transition  
12 plan identifies services or other support needed to assist  
13 the child ~~when the child becomes an adult~~ in transitioning  
14 from foster care to adulthood and the court deems it to be  
15 beneficial to the child, the court may authorize the individual  
16 who is the child's guardian ad litem or court appointed special  
17 advocate to continue a relationship with and provide advice to  
18 the child for a period of time beyond the child's eighteenth  
19 birthday.

20 Sec. 18. Section 232.183, subsection 5, paragraph d, Code  
21 2016, is amended to read as follows:

22 *d.* If the child is ~~sixteen~~ fourteen years of age or older,  
23 the order shall specify the services needed to assist the child  
24 in preparing for the transition from foster care to adulthood.  
25 If the child has a case permanency plan, the court shall  
26 consider the written transition plan of services and needs  
27 assessment developed for the child's case permanency plan. If  
28 the child does not have a case permanency plan containing the  
29 transition plan and needs assessment at the time the order is  
30 entered, the transition plan and needs assessment shall be  
31 developed and submitted for the court's consideration no later  
32 than six months from the date of the transfer order. The court  
33 shall modify the initial transfer order as necessary to specify  
34 the services needed to assist the child in preparing for the  
35 transition from foster care to adulthood. If the transition

1 plan identifies services or other support needed to assist  
2 the child ~~when the child becomes an adult~~ in transitioning  
3 from foster care to adulthood and the court deems it to be  
4 beneficial to the child, the court may authorize the individual  
5 who is the child's guardian ad litem or court appointed special  
6 advocate to continue a relationship with and provide advice to  
7 the child for a period of time beyond the child's eighteenth  
8 birthday.

9 Sec. 19. Section 237.1, Code 2016, is amended by adding the  
10 following new subsection:

11 NEW SUBSECTION. 9. *"Reasonable and prudent parent standard"*  
12 means the standard characterized by careful and sensible  
13 parenting decisions that maintain the health, safety, and  
14 best interests of a child, while at the same time encouraging  
15 the emotional and developmental growth of a child, that a  
16 caregiver shall use when determining whether to allow a child  
17 in foster care under the placement, care, or supervision of  
18 the department to participate in extracurricular, enrichment,  
19 cultural, or social activities. For the purposes of this  
20 subsection, *"caregiver"* means an individual or an agency  
21 licensed under this chapter with which a child in foster care  
22 has been placed or a juvenile shelter care home approved under  
23 chapter 232 in which a child in foster care has been placed.

24 Sec. 20. NEW SECTION. 237.14A **Reasonable and prudent parent**  
25 **standard — immunity from liability.**

26 The department, or any individual, agency, or juvenile  
27 shelter care home that applies the reasonable and prudent  
28 parent standard reasonably and in good faith in regard to a  
29 child in foster care shall have immunity from civil or criminal  
30 liability which might otherwise be incurred or imposed. This  
31 section shall not remove or limit any existing liability  
32 protection afforded under any other law.

33

EXPLANATION

34 The inclusion of this explanation does not constitute agreement with  
35 the explanation's substance by the members of the general assembly.

1 This bill concerns child welfare, including provisions  
2 relating to children under the custody, control, and  
3 supervision of the department of human services (DHS) and  
4 provisions relating to children who are, or are at risk of  
5 becoming, victims of sex trafficking.

6 CASE PERMANENCY PLAN. The bill amends the definition of  
7 case permanency plan under Code section 232.2, to provide that  
8 if the child is 14 years of age or older, the case permanency  
9 plan shall be developed in consultation with the child and,  
10 at the option of the child, up to two persons chosen by the  
11 child shall be members of the child's case planning team if  
12 such persons are not a foster parent of, or caseworker for, the  
13 child. DHS may reject a person selected by a child to be a  
14 member of the child's case planning team at any time if the DHS  
15 has good cause to believe that the person would not act in the  
16 best interests of the child. One person selected by a child to  
17 be a member of the child's case planning team may be designated  
18 to be the child's advisor and, if necessary, advocate for  
19 certain purposes. The plan shall also include any issues  
20 relating to the application of the reasonable and prudent  
21 parent standard, as defined in the bill, and the child's  
22 participation in certain activities while in foster care.

23 TRANSITION SERVICES PLAN. A case permanency plan includes  
24 a written transition plan of services for a child who is 16  
25 years of age or older. The bill amends this requirement to  
26 require a written transition plan for a child who is 14 years  
27 of age or older and requires the services plan to include  
28 information on supports, activities, and referrals to programs  
29 that would assist the child in transitioning from foster care  
30 to adulthood. The bill requires the written transition plan  
31 to include money management among other areas of need to aid  
32 in the child's successful transition to adulthood from foster  
33 care, and that the transition plan shall be reviewed and  
34 updated at a minimum of every six months. As a part of the  
35 transition services plan, DHS is required, on or before the

1 date the child reaches the age of 18, to provide the child  
2 with a certified copy of the child's birth certificate, social  
3 security card, and driver's license or government-issued  
4 nonoperator's identification card unless the child has been  
5 placed in foster care for less than six months.

6 PERMANENCY HEARING — OTHER PLANNED PERMANENT LIVING  
7 ARRANGEMENTS. A court order for an out-of-home placement of  
8 a child includes a determination by the court in a permanency  
9 hearing that continuation of the child in the child's home is  
10 contrary to the child's welfare. The bill amends the option  
11 for the court after a permanency hearing to order another  
12 planned permanent living arrangement to only allow such  
13 option if the child is 16 years of age or older, and provides  
14 guidelines for the court to follow if the court enters such an  
15 order.

16 CHILD ABUSE — SEX TRAFFICKING. The bill includes the  
17 recruitment, harboring, transportation, provision, obtaining,  
18 patronizing, or soliciting of a child for the purpose of  
19 commercial sexual activity as defined in Code section 710A.1 in  
20 the definition of "child abuse" under Code section 232.68.

21 CHILD SEX TRAFFICKING REPORTING PROCEDURES. If DHS has  
22 reasonable cause to believe that a child under the placement,  
23 care, or supervision of the department is, or is at risk of  
24 becoming, a sex trafficking victim as defined in the bill, DHS  
25 is required to identify the child as a sex trafficking victim  
26 or at risk of becoming a sex trafficking victim, refer the  
27 child for appropriate services, and refer the child within  
28 24 hours to the appropriate law enforcement agency. DHS is  
29 also required to report a child who is reported as missing or  
30 abducted to law enforcement and to the national center for  
31 missing and exploited children within 24 hours after receipt  
32 of the report.

33 TRANSFER OF LEGAL CUSTODY OF CHILD AND PLACEMENT. If the  
34 court after a dispositional hearing transfers the legal custody  
35 of a child to DHS and the child is placed in a juvenile shelter

1 care home or with an individual or agency for foster care, DHS  
2 is required to assign decision-making authority to the juvenile  
3 shelter care home, individual, or agency for the purpose of  
4 applying the reasonable and prudent parent standard during the  
5 child's placement. A child placed in foster care is entitled  
6 to participate in certain activities and a court is required to  
7 make a finding at all review hearings to address the child's  
8 participation in such activities.

9 REASONABLE AND PRUDENT PARENT STANDARD. The bill defines  
10 "reasonable and prudent parent standard" for purposes of  
11 certain decision-making regarding children placed in foster  
12 care and provides an immunity provision to DHS, or any  
13 individual, agency, or juvenile shelter care home under Code  
14 chapter 237 that applies the standard reasonably and in good  
15 faith.

16 The bill makes conforming Code changes.